
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION

United States of America,

Plaintiff,

v.

Elet Neilson,

Defendant.

Order to Continue Jury Trial

Case No. 1:17-CR-043

Judge Dee Benson

Based on the Stipulated Motion to Continue filed by Ms. Neilson, and for good cause appearing, the court makes the following findings:

1. Defendant first appeared on August 16, 2017 for an initial appearance on the indictment. The jury trial was scheduled for October 23, 2017, which was within the 70-day time period.
2. On October 5, 2017, Defendant filed a motion to continue. The court granted the motion, continued trial to January 23, 2018, and ordered all time excluded under the Speedy Trial Act.
3. On January 3, 2018, Defendant filed a second motion to continue. The court granted the motion, continued trial to May 21, 2018, and ordered all time excluded under the Speedy Trial Act.
4. On May 14, 2018, Defendant filed a third motion to continue. The court

granted the motion, continued trial to September 24, 2018, and ordered all time excluded under the Speedy Trial Act.

5. On September 17, 2018, Defendant filed a fourth motion to continue. The court granted the motion, continued trial to January 7, 2019, and ordered all time excluded under the Speedy Trial Act.
6. Defendant has moved to continue trial pursuant to 18 U.S.C. §§ 3161(h)(7)(b)(i) and (iv). This is the fifth request to continue trial in this matter.
7. Defendant requests a 120-day continuance.
8. Specifically, defendant has alleged that a continuance is necessary because failure to grant a continuance would result in a miscarriage of justice and would deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
9. The facts that support this allegation include the following: the case involves allegations of drug diversion by a health professional and unusual and complex scientific and legal issues; the defense needs additional time to review genetic sequencing data generated by the Centers for Disease Control and Prevention; the defense estimates it will take at least one hundred twenty days to receive the data and consult an expert.

10. Defendant is on pretrial release.
11. Counsel for plaintiff, Assistant United States Attorneys Vernon G. Stejskal and Stewart M. Young, were contacted and stipulated to the proposed continuance.
12. There are no other defendants.

Based on the foregoing findings, the court concludes that failure to grant a continuance would result in a miscarriage of justice and would deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Therefore, the ends of justice served by such a continuance outweigh the best interests of the public and the defendant in a speedy trial.

It is hereby ordered that the three-day jury trial previously scheduled to begin on January 9, 2019, is continued to the 6th day of May, 2019, at 8:30 a.m. The time between the filing of Defendant's Stipulated Motion to Continue and the new trial date set forth above is excluded from speedy trial computations for good cause. The Court enters the following amended scheduling order:

1. Pretrial motion are due March 25, 2019.
2. The parties' plea agreement deadline is April 29, 2019.
3. Proposed voir dire and jury instructions are due April 29, 2019.

Dated this 3rd day of January, 2019.

BY THE COURT:



Dee Benson
Senior United States District Judge